

**REMARKS**

Please reconsider the present application in view of the following remarks. Applicant thanks the Examiner for carefully considering the present application.

**Disposition of Claims**

Claims 1, 3, and 4 are pending in the present application. Claim 1 is independent. The remaining claims depend directly from claim 1.

**Rejections Under 35 U.S.C. § 103**

Claims 1, 3, and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0025823 ("Hara"). For the reasons set forth below, this rejection is respectfully traversed.

As explained in the previous Response dated October 22, 2007, one or more embodiments of the claimed invention are directed to a vehicular remote control system comprising a mobile unit and a vehicle unit. In an exemplary embodiment, the mobile unit measures reception intensities of each transmission antenna in the vehicle, and then transmits the reception intensity information of all the transmission antennas in one signal with an ID portion, enabling the vehicle unit to locate the mobile unit based on the reception intensity information. Advantageously, measuring all the reception intensities before sending the results in one signal (*i.e.*, in contrast to receiving and then transmitting reception intensity information corresponding to each antenna separately) shortens the period of transmitting the signal and the period of decoding the signal at the vehicle unit, and saves energy as a result. *See e.g.*, Published Specification, par. [0027].

Accordingly, independent claim 1 recites, *inter alia*, “wherein said mobile unit sequentially receives signals transmitted from at least a first and a last transmission antenna from the plurality of transmission antennas to measure the reception intensities of the sequentially received signals, and then, *after the mobile unit completes the reception intensity measurement of the last transmission antenna, transmits* an ID portion for storing the intrinsic identification information of the mobile unit and *all reception intensity information of the sequentially received signals as one response signal* to said vehicle unit.” The aforementioned limitation explicitly requires that the mobile unit transmit a response signal that includes all the reception intensity information after the mobile unit completes the measurement of the last transmission antenna.

The Examiner acknowledges that Hara fails to show or suggest the above limitation. However, the Examiner alleges that “as long as the system of Hara performs its desired functionality one ordinary skilled artisan would have readily recognized that sending the signal as one signal or a multitude of signals would not constitute an inventive concept but an obvious design choice since the functionality of the device is to measure the reception intensities and perform an action, such as opening a door/trunk” (see Office Action dated November 13, 2007, at page 7). Applicant respectfully disagrees.

As explained above, the function of the claimed invention is, for example, to shorten the period of transmitting the signal and the period of decoding the signal at the vehicle unit and to save energy by measuring *all the reception intensities before sending the results in one signal*. In fact, the claimed invention is directed to a vehicular remote control system to improve an operation for a user by shortening a time lag as much as possible (see, e.g., publication of the Specification, paragraph [0027]). Meanwhile, Hara focuses on determining a position of a

portable device precisely (*see* Hara, paragraph [0014]). Further, as explained in the previous Response dated October 22, 2007, Hara is completely silent with respect to the above limitation.

Therefore, it is clear that the function of the claimed invention is not merely to measure the reception intensities and perform an action such as opening a door/trunk as alleged by the Examiner, but rather the function of the claimed invention is to shorten the period of transmitting the signal and the period of decoding the signal at the vehicle unit in order to save energy. Moreover, the finding of an "obvious design choice" is precluded when the claimed structure and the function it performs are different from the prior art. *In re Gal*, 980 F.2d 717 (Fed.Cir.1992).

Therefore, Applicant respectfully asserts that the Examiner fails to establish a *prima facie* case of obviousness and instead makes a general allegation of design choice. Thus, the Examiner's characterization of the claimed limitation as "an obvious design choice" is merely an unsupported, generalized conclusion, and not a reason or showing, as required to support the rejection, and thus constitutes reversible error. *See, e.g., Ex parte Garrett*, 33 BNA's Patent, Trademark & Copyright J. 43 (1986) (reporting decision of Bd. Pat. App. & Inter. 9/30/86: Appeal No. 580-81). As such, the Examiner is requested to supply appropriate objective factual support or to withdraw the rejection. Further, if the Examiner is basing any part of the rejection on personal knowledge, in accordance with 37 C.F.R. 1.104 (d) (2), Applicant hereby requests that the Examiner provide an affidavit detailing the personal knowledge for consideration and rebuttal.

In view of the above, Hara fails to show or suggest the invention as recited in independent claim 1. Thus, independent claim 1 is patentable over Hara for at least the above reasons. Dependent claims 3 and 4 are also patentable for at least the same reasons as claim 1. Accordingly, withdrawal of the rejection is respectfully requested.

**Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 15115/106001).

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Respectfully submitted,

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